

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 01, 2020**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicole D. Hilliard

Case Number: 0980 2:10CR00090-RMP-1

Address of Offender:

Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Fred L. Van Sickle, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: June 13, 2011

Original Offense: Possession with Intent to Distribute 50 Grams or More of a Mixture or Substance
Containing a Detectable Amount of Cocaine Base, 21 U.S.C. § 841(a)(1)Original Sentence: Prison - 110 months Type of Supervision: Supervised Release
TSR - 120 monthsResentence: Prison - 100 months
(01/10/2017) TSR - 60 months

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: March 29, 2018

Defense Attorney: Federal Defender's Office

Date Supervision Expires: March 28, 2023

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by failing to report as instructed on August 11, 2020.

On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

On the morning of August 11, 2020, this officer attempted to contact the offender in order to instruct Ms. Hilliard to report for random urinalysis testing, but was unsuccessful. As such, the undersigned officer left the offender voice and text messages instructing her to report to this officer by 4 p.m. that date, August 11, 2020.

Ms. Hilliard did not contact this officer until shortly before close of business on August 12, 2020, at which time she left a voice message claiming that her phone was broken.

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- 2 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by failing to report as instructed on August 13, 2020.

On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

On the morning of August 13, 2020, this officer attempted to contact Ms. Hilliard to instruct her to report for phase urinalysis testing, but was again unsuccessful. As such, the undersigned officer left the offender voice and text messages instructing her to report to this officer by 4 p.m. that date, August 13, 2020.

Ms. Hilliard did not attempt to contact this officer until approximately 5:15 p.m., after close of business hours, on August 13, 2020.

- 3 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by failing to report for random urinalysis testing at Pioneer Human Services (PHS) on August 14, 2020, as instructed.

On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

After normal business hours on August 13, 2020, when the offender finally contacted the undersigned officer, she was instructed to report to PHS by 12 p.m. on August 14, 2020, to submit to random urinalysis testing.

On August 14, 2020, this officer received notification from PHS that the offender had reported for testing, but failed to do so by 12 p.m. as instructed.

Ms. Hilliard insisted she was running late because she had come from work. The undersigned officer instructed the offender to provide this officer with her updated employment information in order to confirm that she was at work, however, Ms. Hilliard never provided this officer with that requested information.

- 4 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by consuming cocaine on or about August 11, 2020.

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On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

On August 14, 2020, after Ms. Hilliard reported to PHS for random urinalysis testing late, this officer had the opportunity to speak with her. When asked if there was anything she wanted to tell this officer prior to testing, the offender responded she "might be positive." When asked what she would be positive for, the offender responded "the usual." Ms. Hilliard subsequently admitted to the use of cocaine on or about August 11, 2020.

- 5 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by consuming cocaine and marijuana on or about August 14, 2020.

On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

On August 13, 2020, the offender was enrolled in the phase urinalysis program after this officer was unsuccessful in instructing her to report for random urinalysis testing on multiple occasions. Ms. Hilliard was instructed to report for testing when "Gold 2" was identified.

On August 17, 2020, this officer contacted the offender as a courtesy to inform her that her assigned color had been identified for testing.

On August 18, 2020, the undersigned officer received notification from PHS that the offender had submitted a urine sample that tested presumptive positive for cocaine and marijuana on August 17, 2020. This officer also received an admission of use form signed by Mr. Hilliard, in which she admitted to the use of cocaine and marijuana on or about August 14, 2020.

- 6 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Nicole Hilliard violated her supervised release by failing to report as instructed on August 24, 2020.

On March 29, 2018, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Ms. Hilliard, as outlined in the judgment and sentence. She signed the judgment acknowledging the requirements.

On August 17, 2020, this officer contacted the offender as a courtesy to inform her that her assigned color had been identified for phase urinalysis testing on that day. At that time, Ms. Hilliard was instructed to check-in with the undersigned officer again on August 24, 2020.

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Due to Ms. Hilliard failing to report as instructed on August 24, 2020, the undersigned officer attempted to contact the offender on August 31, 2020, but was unsuccessful. As of the writing of this report, Ms. Hilliard has made no attempt to establish contact with this officer and her whereabouts are unknown.

The U.S. Probation Office respectfully recommends the Court issue **a warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/01/2020

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

9/1/2020

Date